

**AB 21: Discharging Employees after an Accident Testimony**

Chairwoman and members of the Committee, thank you for allowing me to testify today on behalf of Assembly Bill 21.

This bill would prohibit a person engaged in the business of operating a vehicle for the conveyance of passengers for hire – in other words the employer – from discharging from employment an individual who is employed by the employer to operate such a vehicle solely on the basis of the operator having been involved in a single motor vehicle accident.

Furthermore, this bill will protect individuals from being discharged or discriminated against for filing a complaint concerning this bill or participating in an investigation of a complaint filed under this bill.

If an operator or other employee is discharged or discriminated against in violation of this bill, he or she may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law.

In addition, an employer that discharges or discriminates against an operator or other employee in violation of the bill is debarred from being awarded a contract by a state agency or local government unit for three years after the employer commits the violation.

Under current law, the employer is liable for all injuries and damage done by a person employed by the owner as an operator of the vehicle while operating the vehicle in the same manner as the operator would be liable.

This bill would amend this law, to prevent employers from retaliating against operators by discharging them from

employment solely on the basis of having been involved in minor accidents.

While one can see the merit in continuing to allow employers to discharge vehicle operators after being involved in a single minor accident as a way to enhance public safety by removing inattentive, reckless drivers from the roads, the injustices of allowing this to continue are far greater. The simple truth is that even the most experienced operators are still at risk of falling victim to the fundamental dangers of motor vehicle operation. A variety of factors can contribute to minor accidents, some of which

are beyond the control of the vehicle operator. For these reasons, we cannot allow employers to discharge competent drivers solely on the basis that a minor accident cost the employer money.

Moreover, discharging competent drivers solely on the basis of one minor accident does not, by any means, make the roads safer. Are passengers really going to be in better hands when riding with a new, inexperienced driver who recently replaced an experienced operator that was discharged because he or she was in a minor accident? If we allow employers to remove experienced drivers, who

otherwise had a perfect driving record, from the roads, we are only making the roads more hazardous. Passengers will also feel safer knowing that employers look at factors beyond just one minor accident when determining whether to discharge an employee or not.

Mr. Mark Lange drove for First Student Bus and was driving a group of International North Central Technical College students when he had a minor traffic incident in Chicago. Despite numerous letters of support to appeal the dismissal Mr. Lange was discharged from First Student Bus.

Although there is not current law prohibiting employers from discharging operators solely on the basis of a minor accident, local companies such as Van Galder/Coach USA, Badger Coaches and Lamers Buslines all claim to be considering a larger number of factors before discharging vehicle operators. Yet, there is no cut and dry rules regarding whether an operator can be discharged solely on the basis of one minor accident. This means that experienced operators still run the risk of being

discharged or discriminated against for one small blemish on an otherwise perfect driving record.

In fact, Badger Coaches has had a policy for years stating that if a driver rear-ends someone it is grounds for immediate dismissal. Badger Coaches claims this policy is necessary because if a driver rear-ends someone it means they are not being attentive. While this may be the case in limited situations, there are a large number of factors that go into why an operator could have gotten into a minor accident such as rear-ending another car. A competent driver should not be deemed as inattentive as a whole



because of one minor accident. This bill will prevent such instances from happening by ensuring that competent operators are not discharged or discriminated against by employers solely on the basis of one minor accident. There needs to be a cut and dry law preventing such an injustice.

LRB estimates this bill will protect approximately 6,400 drivers employed in Wisconsin and that annually the department will receive fewer than ten complaints alleging a violation of the protections in this bill. The department believes it can absorb this increased workload in its current budget.

Receiving less than ten complaints per year, the department estimates it will find no more than three violations per year it will need to report to state departments and local government units. The department estimates contacting approximately 2,380 local government units and state departments to notify them of each violation will cost the department \$1,690 per mailing. With three mailings per year the total cost will be about \$5,070 which the department believes it can absorb. In addition, the department will incur one-time costs of about \$1,500 to print informational materials concerning this legislation.

It is my belief that these costs are very small to the amount of justice we will be serving in enacting Assembly Bill 21. I want to make sure that with this bill, we protect not only vehicle operators from being wrongfully discharged or discriminated against, but also public safety by making sure that competent, experienced operators remain on our roads.

Thank you for your time. I hope you will act favorably on AB 21, and I will be happy to answer any questions you may have.